

**COCLJ AUTOMATION & ACCOUNTING ADVISORY  
COMMITTEE MEETING – October 26<sup>th</sup>, 2012  
HELENA, MONTANA**

**MEMBERS PRESENT**

Chairperson Judge Larry Carver  
Judge Audrey Barger  
Judge Gregory P. Mohr  
Lisa Mader, Montana Supreme Court Administrator's Office  
Claudia Anderson, Montana Supreme Court Administrator's Office  
Barbara Pepos, Richland Co. Justice Court-Sidney City Court  
Tina Schmaus, Missoula Municipal Court

**MEMBERS PRESENT BY VISION NET OR PHONE:**

Sharon Skaggs, Yellowstone County Justice Court  
Thelma Keys-Nicol, Kalispell Municipal Court  
Judge Linda Budeski

**PUBLIC COMMENT:**

No one was present for public comment.

**APPROVAL OF MINUTES:**

Judge Mohr made a motion to approve the minutes as distributed, seconded by Judge Barger. Committee voted and approved the minutes.

**CARVER UPDATE:**

The meeting to approve the IT Strategic plan will be held next Tuesday, October 30<sup>th</sup> and the newest member to the State IT Committee is Judge Greg Mohr, who was appointed by the Supreme Court to represent the Limited Jurisdiction Courts. The Strategic plan is implemented for 3 years as a guide to information technology in the Judicial Branch. The committee was previously chaired by Justice Nelson, but is now Justice Morris, Supreme Court Justice. The Honorable Randal Spaulding, District Court Judge for the 14<sup>th</sup> Judicial District replaces Judge Hegel. Representative Galen Hollenbaugh replaces Sen. Jim Shockley, and P. Mars Scott replaces Jim Powell as the Public Member. Other members include: Ed Smith, Clerk of the Supreme Court; Peg Allison, Clerk of the District Court from Flathead County; Beth McLaughlin, Supreme Court Administrator; Judy Meadows, the State Law Librarian; Christopher Manos with the State Bar of Montana and Judge Carver.

The vendor chosen to provide software for the e-filing project is LT Court Tech. Lisa said they are a branch of Thompson-Reuter. LT Court Tech provides the case management system for the Montana Supreme Court.

**Municipal Infractions:**

Judge Carver has not heard anything further from any courts regarding Municipal Infractions. He talked briefly with Greg Noose about the courts meeting first with Greg

Noose about the statute table before the automation process of changing FullCourt begins. Judge Carver and Greg Noose will meet and discuss this further. Judge Carver suggested to the committee he would write the courts a letter explaining the purpose of their meeting with Greg Noose is to adopt a statute table, find out what is or is not reportable to the DMV.

**FullCourt computer lab:**

Claudia reported they usually have the computer lab for the judges the first day and she noticed they have the same judges come every year. For the clerks the lab was very busy. She believes 85 clerks attended the Conference and there were approximately 24 brand new clerks. They were very busy with these new clerks especially. Including herself, there were 5 trainers. Tina and her staff attended the computer lab and found it very helpful. Claudia would like to see more judges attend their computer lab. Some of the judges who are their own clerks call in and ask for help quite often. Judge Carver said if he had a list of those judges, he would contact them prior to the next conference and recommend the computer lab. Some of them have commented their governing bodies do not allow them to go a day early for the computer lab. Perhaps they could discuss a lab in the evening for the judges.

**LISA MADER UPDATE:**

Andy's position in Eastern Montana is still not filled. This is a technical position. The new Human Resources director has taken that position, rewritten and posted it. They are using some of the newer technologies, such as Twitter to post the vacancy. She said the graduates from college are not going to look on the State's web site for jobs. Sue Jameson has come back to work at the Department. She had worked here when Marty was here for about 3 years and she is doing very well in her position. One of the trainers, Mike Rushetti, left to go to the DOJ. Lisa discussed posting his position as an e-filing coordinator, because that job requires someone full time. They will post this position as soon as they get the e-filing coordinator position classified.

Lisa said they received this week the hot fix from Microsoft to fix the problem they had with MHP imports in Fergus County and Culbertson. Greg will have to rewrite the web services piece that was not working and should start testing in a couple of weeks. He wasn't able to get it done this week because she has been pulling him off of the project to work on legislative requests.

Regarding the e-filing vendor, LT Court Tech, the award went out on September 11<sup>th</sup> and the same day it was accepted. She was part of a conference call on the contract, along with Karen and Betty Buske. They discussed some minor issues on the contract. Lisa commented the 13 month timeline outlined in the RFP was not realistic. Participation in this project is not mandatory; therefore, they will need to get volunteers. They have to get judges and clerks to agree and these are outside influences which could slow down the project. They are looking at the project and hopefully, next week will give more of a project plan and timeline. Lisa hopes there will be a contract start date of January 1<sup>st</sup>, but in November and December they will be working on preliminary critical tasks that must take place before workflow discussions take place. They will be developing rules and

responsibilities for the recruitment of the e-filing coordinator. Karen helped with the staffing proposal and responsibilities associated with it. Lisa feels this is the single largest project the branch has ever taken on. They are reaching out to so many users that are outside of the branch itself, such as county attorneys, pro se litigants and public defenders.

As mentioned by Judge Carver, next week is the Commission on Technology meeting dealing with the IT Strategic Plan. There will be many new members on the committee. Lisa handed out some results from the IT Survey. There is a comparison of 2009 to 2012. Lisa felt it was important to include the clerks of the Limited Jurisdiction Courts in the survey. They are a large part of the IT support arena. There was a decline in the response rate from all the groups that received the survey. Overall, this year there was a response rate on the survey of 61%. This equaled a response from 228 out of the 374 surveyed. The IT Survey tables came out of the previous Strategic Plan and Lisa updated them with the results. There are 4 tables this year to do an exact comparison of the results from the 2009 survey to the 2012 survey. The 2<sup>nd</sup> table is the comparison with the clerks included. Lisa commented the survey indicated IT support and performance is adequate; however, there was a decline in courtroom technology support. She noted her department has had many requests for additional courtroom technology, but they have not had the funding. Therefore, she feels the decline is due to that area.

Lisa noted there were comments regarding the need for more training. They know more training needs to be provided. In the Case Management Training section, they saw an increase in terms of adequacy for FullCourt Training. Her staff does not do the training for JCATS, as this is done by Bob Peak and his group. There was a decline in C-Track training, but again her department does not provide that training. Overall, she likes the numbers, and believes the decrease in courtroom technology is because courts want more and there is no funding for it.

On the Emerging Court Technology table, she did a comparison from 2009 to 2012. The 4<sup>th</sup> table included the clerks. She noted of the groups surveyed, e-filing was considered very important to the Supreme Court and Clerk of the Supreme Court, and e-information exchange (government to government) was considered of high importance to the District Court clerks and the Limited Court clerks. Video conferencing and Document imaging/management was very important to the District Court judges and clerks. Where you see the negatives on the table is where it was more important in 2009 than it is now. E-filing and government to government exchange gained importance this year. On-line fines and fees gained importance as well as document imaging, whereas the negative numbers shows items of less importance to the user groups.

Judge Carver said the “Virtual Meeting Room” is very confusing. He is not going to use this when he wants to hook up to Fergus County. He believes this is a training issue and Lisa agreed. To use “Virtual Meeting Room”, you have to be on the District Court IP, as opposed to their county IP. Judge Carver said it would be good to have a manual or quick guide as to how to use Vision Net. Then he has the problem of the Clerk of District

Court telling him to use the “Virtual Meeting Room”. Lisa said they will definitely work on this.

Later on in this meeting there will be a demonstration from JSI of bond posted at the jail. There are some questions to be answered, but she felt we could do that during the presentation. She said this procedure will require a new FullCourt revision and a new set of CitePay coding. This will require another push out to the courts. It will require extensive testing in the beginning as well. They will also need to provide the Best Practices guide once it is up and running.

### **Goals and Objectives:**

Lisa went into the IT Strategic Plan. On page 8 she pointed out the accomplishments from 2010, 2011 and 2012 so far. They have advanced a proposal to the 2013 legislature requesting additional IT staff. They are asking for 7 additional positions. They received a call from the Budget office stating they were not going to add this request, as they did not agree with adding the staff positions. They were setup to meet with the Budget office, but received a call prior to the meeting they were agreeing to put the 7 additional positions in as a one-time only, not in the balanced budget. Beth and the Chief agreed to take this, understanding if this does not get into the balanced budget, but goes as one-time funding; they must go back to the Legislature in 2015 to obtain the funding again.

The Strategic Plan mentions the District Court dashboard project, detailing case management data, as well as one created for the Clerks. They are working on a more fluent website. They are working on the SharePoint collaboration site and in fact going to some training on this in January. There is quite a list of accomplishments over the last several years. Lisa did few changes to the Goals and Objectives, as she feels they are still true. The pages outlined as “Alignment with State of Montana 2012 Information Technology Strategic Plan” outlines how their goals match with the State of Montana 2012 IT goals.

The IT Action Plan for 2013, 2014 and 2015 is outlined. They will continue to work on the Central Repositories for the Courts of Ltd. Jurisdiction and the District Courts. Work will continue toward appropriate Public Access and Privacy Rules, however, they were suspended in October 2010. Judge Carver said, although, they have been suspended, it is still the best guideline we have. The reason they were suspended dealt with family law issues, not our courts. Lisa added they will continue to ensure any electronic filing system follows the best practices for authentication of electronic documents as recommended by the Electronic Filing and Access Task Force.

The action items on page 20 changed considerably. They will have to pursue funding during the 2015 legislature to migrate to modern architecture for Montana’s statewide case management system. They will have to develop and implement a plan to move from V5 to a FullCourt Enterprise system, or another application if that is determined. Bob with JCATS will need to implement some enhancements to their project.

Judge Carver asked who will be making the final decision about moving from V5 FullCourt to Enterprise, or put out a new RFP for a new case management system. Lisa said ultimately it will be the Commission on Technology, but it will depend on what State procurement decides. Lisa added looking at an entirely new case management system will be a lot of work, but looking at Enterprise will entail a lot of work as well. She thinks it will be discussed in this committee, the District Court automation committee and the Commission on Technology, which will make the ultimate decision. Again, this depends on what State Procurement decides. If they decide \$1.7 Million to go from system to system is not approved and they require an RFP that is what will happen. Lisa reiterated the decision will not come from her department.

Judge Carver said it will be a good idea to go in as a group, not split on what to do. If the Judges and Clerks of Limited Jurisdiction courts want one thing and the District Courts want another, it will be very difficult. Lisa believes the e-filing project will tell us a lot. JSI will need to perform effectively in getting their side of the e-filing project done. How that relationship works out for e-filing to happen, with all the integration needed may tell us if we want to maintain our relationship with JSI or pursue something else.

Lisa continued in the Action items, to continue installation and customization of the Montana Electronic Filing System, Phase 1 and Phase 2. SmartCop needs to be expanded for Fish, Wildlife & Parks and Motor Carrier Services. Continue to implement MHP Roadside Payments to all Justice Courts utilizing the MHP e-citation import. SharePoint is the collaboration tool which has allowed them to make available the Dashboard and Worksite bench. This has not been fully distributed to the Branch, the boards and commissions, finance and court services department. However, training is on the calendar for her department.

In SharePoint they must develop a governance plan which will help in the decisions when requests and changes are made. Her department will continue to pursue on-line bond received at the jail. They need to develop a branch wide video conferencing usage plan and training for the equipment. Development of a governance plan for website improvements and content changes is needed, in order for Kevin to have a set of rules to follow. Lisa added across the State a social media policy needs to be in effect.

Lisa said her department receives many requests for courtroom technology. They did procure Cloud Computing Software and the main reason behind this was to enable the court reporters to house their notes, recordings and transcripts and meet the statutory requirement of 3-5-603 MCA. Right now this is done in so many different ways and it is unmanageable. A branch policy is needed for the use of the Court Reporter's Records Management Process. This is required for the Court Reporters to be following the rules and guidelines.

Lisa went further into the Action Plan and noted identifying resources needed to provide image functionality in the Courts of Ltd. Jurisdiction and calculate the cost of procuring these resources is not new. Lisa read this Strategic Plan many times and while working on Legislative proposals the resources to accomplish this were not requested. In other

words, she did not advance the funding to the legislature in order for their department to obtain the scanners for the courts. Tammy is researching and looking at less expensive scanners for the courts at this time.

Judge Carver pointed out in the action items that IT position descriptions and salaries need to be competitive with other government entities in order to recruit and retain the best possible IT staff. Judge Mohr asked why people leave to go to the DOJ. Lisa said they have an entirely different pay plan. Across the board IT personnel can make more money in state executive branches and some of those branches have career ladders, or salary plans. If you have been with them for 2 years instead of just getting the legislative increase of 1.5% or 3%, you get the increase for 2 years of service. Lisa said her department does not have career steps and it is frustrating to lose good employees.

Kathy, the new Human Resources director wants to get together with Lisa and her management team and do some brainstorming on how to recruit better and retain employees. However, money to pay them more must come from the legislature. Judge Carver commented a newly hired trainer may take 6 months or more to get trained and to lose them creates a huge problem. If there were statistics to show this, reasonable people would want to prevent this from happening.

Lisa explained the last item as consider/evaluate opportunities to collaborate with other state agencies for the use of the JCATS technology providing them an easily customized platform to meet their needs. These relationships/opportunities have the potential of creating significant financial efficiencies for the state, as well as significantly improved data collection strategies. This is also an issue that requires resources.

Judge Mohr asked if it was too late to include the scanners in the budget requests. Lisa will talk with Beth about this. With a new governor for the State of Montana, there may be a new budget director and some of this process is unknown at this time. Judge Mohr asked if there were courts requesting scanners and Lisa said the response has been there is no funding to provide them. Now, they respond about researching the less expensive scanner and courts will be notified when it is available. Judge Barger asked if they knew how many courts have already gotten scanners. Lisa does not know how many courts do not have scanners. Obviously, the \$1000.00 scanners hold up well and have few problems overall. A less expensive scanner may need to be replaced sooner.

#### **CLAUDIA UPDATE:**

They put out a new FullCourt revision, V8157, in July of this year. There are about 8 courts left to update. This took longer because CitePay also had to be updated. Right now, they are testing the latest update. This latest version fixes some items, such as some issues in the District Courts system. The trainers have been very busy, having just recently finished conference presentations. 3 separate presentations were offered, financials, DL suspensions and one for new clerks. She said there were approximately 85 clerks in attendance and ¼ of them were brand new clerks. The Back to Basics class was very busy and provided excellent information. Sharon and Tina commented they both learned a lot in the financials presentation.

The Restricted DL form and the license plate surrender forms are done and in FullCourt. The Best Practices guide for Restricted DL is out on listserv and the other one will be out shortly. Regarding the roadside payment project, Claudia is disappointed in how long it takes the courts to return the work orders. She is working on the entire eastern district, sending out 15 work orders, doing the 16<sup>th</sup>, 7<sup>th</sup> and the 15<sup>th</sup> district and this involves about 15 counties. Some of the judges are very slow in returning work orders. The work orders were sent out on September 20<sup>th</sup> and they are still not back. Judge Mohr advised to let the judges know who is not responding. Lisa said they cannot move onto another district until this eastern district is done.

Claudia said they can't contact the Highway Patrol and let them know roadside payments are done in the Eastern District, when one or two counties are not done. She wants to get the entire eastern district done, move to the middle of the state and finish out with the western side of the State. Claudia wants to get this project rolling and then allow a trainer to take over.

Lois did a great job of presenting DL suspensions at the Nuts and Bolts presentation for the clerks. Claudia was surprised how many questions there were from the clerks, so when Chad gets the time they will put a video together on license suspensions. A jury video has been created and she wants to put out its location on the website on the listserv. She will also include a list of all the Best Practices guides. Many new clerks are not told that this information is available to them. She wants to have a website available where clerks can look for information and watch the training videos. Lisa added this is the Sharepoint site she discussed earlier. They have all the resources now to get this going and hope to have it setup shortly.

Lisa inquired if it was OK to post the MTIVS user guide for the courts. Judge Carver and Judge Mohr both replied they have not seen it. Judge Carver wanted the committee to look over the user guide before it would be distributed. Barb added the demonstration of the site was presented at the conference, but at that time no user agreement form was available. Lisa said each court gets a user name and must agree to the terms and conditions of use.

Claudia commented the JSI conference was very good. Cindy, a trainer, was very surprised that Enterprise looked completely different from the first time she saw it. They talked about the Enterprise service bus which will be helpful when exchanging information with different agencies. Enterprise has a completely different setup for overdue processing, but old overdue will be available on a read only for history purposes. Ernie from JSI did tell the conference attendees that FullCourt V5 would be discontinued December 2014. There is no statewide implementation of Enterprise at this time but Idaho is in the process of going there. There are some individual tribal courts using Enterprise, even in Montana. They never specified which courts these were.

The JSI conference next year will be held in Portland, OR. Winnebago is their largest user of Enterprise and were used as an example many times at the conference. Winnebago, however, went from having no case management system at all to Enterprise.

Claudia said they wished in the beginning they had known how important the statute table was. She feels the statute table is the backbone of the entire program. Barb learned at the conference the CitePay terminal would cost \$600.00. At the conference it was mentioned because of Montana's request, CitePay at the jail is available. Judge Carver commented he would probably attend the conference next year and Judge Mohr agreed to go with him. Lisa could not attend this year because the following week she was in Virginia for a court statistics roundtable discussion. Claudia noticed they do not have the states separate out anymore at the conferences.

### **JSI DEMONSTRATION:**

Tessa and Ernie from JSI presented the CitePay post bond from any jail in the State of Montana. Ernie said the goal was any person from any jail can post bond for any court. The bond could be posted on an existing case or when no case was in FullCourt yet. Bill, their technical person, was not available at the time of this presentation. As soon as a warrant is entered in FullCourt with a bond amount, it is posted on CitePay. First, the poster must choose the jail where the defendant is located; next you must enter the Case # and the DOB. Language the poster must agree to, which is table driven and can be changed, is they have to agree to the above and they can check off that upon final disposition the bond can be applied to the fines, fees and restitution. Lisa asked that the defendant name be shown on the screen, in case someone picked the wrong case #, although, case # and DOB should prevent that. Ernie clarified when the case # and DOB are entered, the defendant name should pop up and the committee agreed.

Judge Carver inquired about picking the jail, the case # and the DOB, no court was chosen at that time. Lisa said this was discussed prior that it is not likely courts would have the same case # and same DOB as an identifier. Judge Carver asked if the 3 criteria is entered, jail, case # and DOB, will it search all of the courts in the State of Montana. It will not search the repository; it will search the CitePay database. Tessa said when you issue a Warrant that information is sent to CitePay.

When CitePay updates, the status of the warrant will be "quashed". Lisa asked the committee what the status of the warrant should show. Judge Barger had a concern that someone could go on this site and enter the information and post bond on the Warrant without being arrested. Judge Mohr said quashed means it should not have been issued in the first place. Judge Barger said it is unknown whether the person was actually arrested, or was paying the warrant on line. Judge Carver said it makes a big difference whether someone was arrested or not.

Tessa believes there are two issues. One is what the status should be when bond is posted on the warrant. The other issue Tessa was hearing is bond should not be posted unless the defendant is arrested. Therefore, one of the questions would be do we only send the information to CitePay once the status of the Warrant is "served". In other words, just because a warrant is issued does not mean it is available on CitePay.

Sharon from Yellowstone Co. Justice Court said in her court, if the defendant is eligible to bond out on a warrant, he is eligible to pay. However, if the judge must see the



defendant, then the warrant states “no bond”. Sharon said they need an avenue to have bond posted when they are pleading not guilty and going to trial. If they walk into court and want to post bond, as Judge Mohr noted, we want to be able to use CitePay for this.

Tessa said the committee needs to decide at what point does the warrant become available on CitePay and when the bond is posted what should the status be changed to.

Tina inquired where all the information was about the bond poster, so if and when bond is exonerated, where do they return the bond. Tessa said it only shows that bond was posted for the Defendant, does not show 3<sup>rd</sup> party posting. Tessa said information about the bond poster needs to be on the screen. Claudia said she was sure they saw that before when Bill showed it to her and Lisa. Tessa believed that particular screen dealt with a new incident. Tessa next demonstrated what it looked like when there was no case #. This is an incident where someone was just arrested and needed to bond out. What is known is the court. They do fill out the court here, because it is going to create an “unapplied receipt”. This is where it is going to show the defendant information screen and the poster information portion to fill out. Claudia said this is the screen they remember seeing. Therefore, CitePay will include the 3<sup>rd</sup> party posting information screen on the 1<sup>st</sup> portion of the demonstration, dealing with a Warrant already being in FullCourt.

Ernie said when creating this they made an assumption the defendant is going to know the correct court, because the jail will tell him. Judge Carver said yes, on the notice to appear and complaint is where the court is listed. This was verified to Ernie as being correct. Tessa said the language regarding using the bond to take care of fines, fees and restitution at the conclusion of the case is on the site. Once the money has been receipted, an e-mail goes to the jail they selected advising bond has been posted. The Court side will be updated with an “unapplied receipt”, therefore allowing the clerk to transfer the bond to the case once it is in FullCourt. The “unapplied receipt” gives the information that it is bond; date posted, jail facility, and all the information on who posted the bond.

Judge Mohr asked how they post bond on a warrant when they show up at the window. Tessa replied this is one of the questions the committee needs to decide. At what point does CitePay get the Warrant information. Citepay does not know if the defendant has been arrested or not. All it knows is there is an outstanding warrant. The other case is a truck driver wanting to post the bond on CitePay, but appearing in court on a later date to plead in front of the judge.

Judge Carver advised with the scenario the defendant was arrested and taken to the jail, this looks pretty good. The other questions need to be discussed and decided by this group. If language needs to be added, “bond stays with the case until final disposition of the case”, Ernie said they can do that. Ernie wanted this language to appear on the receipt. Judge Carver said they need to figure out the language for the status of the warrant, served, returned unserved, or e-served perhaps and decide what to do when

someone wants to post bond and they are not at the jail. Sharon asked how the bonds appear on the CitePay deposit e-mail and Tessa answered they show up as Bonds. Ernie clarified when the bond is posted the e-mail goes from the court to the jail, notifying them that bond has been posted. Tessa believes you can configure this to send e-mail to more than just the jail. Lisa agreed that is what Bill told them. Ernie told the committee someone must maintain all the e-mail addresses, as they change often. Therefore, is it easier to have the court run a report to see what the status is regarding on-line posted bond, or is it easier to maintain a listing of all people who should receive the e-mail notification. Ernie said they can make a modification to CitePay if the Warrant has been served, they can still post the bond. Judge Carver said this is the scenario they need. The defendant has been arrested, taken to jail and he can pay by credit card at the jail and be released. The problem with the defendant paying for the warrant while he is at home in his pajamas is the warrant is located in other places besides the FullCourt case management system. It is still an active warrant in the Criminal Justice Information Network, therefore he could actually pay the warrant, walk outside and get arrested, and there would be no way the jail knew he paid it.

The scenario demonstrated today works real well if the defendant was arrested and taken to jail. Changing the status of the warrant in our case management system does not change the status of the warrant in a statewide wanted list. Ernie asked Lisa if information sent to the IJIS Broker gets shared downstream to other appropriate agencies. Lisa replied no, it does not. Judge Carver explained when an officer arrests someone on a Warrant, he takes them to the jail and notifies the dispatcher to take the warrant out of the CJIN database and updates the Warrant as served. This is not just Montana warrants, because the Criminal Justice Information Network is nationwide. Lisa asked if the sheriff's offices should be included in the e-mail.

Judge Carver believes step 1 of this process is to be able to use Citepay to post bond once someone has been arrested and is at the jail. Tessa clarified a warrant will not be put on Citepay until the status has been changed to served. If this is the case, then CitePay will not need to update the status of the warrant. Judge Carver said this needs to be figured out as well. There needs to be a trigger to put the warrant up on Citepay in order for the bond to be posted. The trigger may be that it has been served.

Judge Carver does not want defendants to be able to go on line and pay a Warrant without being arrested. Lisa clarified if the status of the warrant is served, then CitePay can be updated with this information and an on-line bond can be made. Judge Mohr wants to be able to accept a bond on CitePay. CitePay right now does not have a box where they can check, *I just want to post Bond*. Sharon said it sounds like CitePay could be modified to allow the bond posting by putting that information on the existing screen and the defendant would pick one or the other.

What Judge Carver does when he gets the phone call regarding someone posting bond, he extends out the forfeiture date. Judge Mohr said his issue is a driver wanting to post bond and then hire an attorney and proceed from there. They want to accept bond on CitePay without a plea of guilty or bond forfeiture. Judge Carver said if a defendant posts bond

and does not appear by the forfeiture date, the bond is forfeited. Should the defendant wish to enter a plea of not-guilty, he schedules a trial date and does not necessarily give them their bond back. Sharon said they need the ability to take a bond on CitePay and hold it until the trial has taken place. She believed CitePay could satisfy this requirement pretty easily without much modification. Sharon said if the money posted has gone into fines and fees and the defendant wants to plead not guilty, then the fines and fees money must be put back in bond. Judge Carver said only if the court decides not to forfeit that bond.

Judge Carver wanted to end the discussion by saying right now; the CitePay process will work when the defendant has been arrested. Then the warrant is marked served and CJIN knows the warrant was served. The next question Ernie asked is how do they know the warrant has been served. Lisa said this will not go to CitePay until the court changes the status to served. Tina noted their warrants do not go out of County, however, Judge Mohr and Judge Carver said their warrants can be served in any county in the State of Montana. Sharon believes they won't be able to tie CitePay to Warrant served, because that eliminates what we are trying to accomplish. You are going to have to leave the warrant outstanding and once they are booked into jail, they can post bond on CitePay for a Warrant. The arresting officer will take care of notifying CJIN and other necessary parties and the court will receive the bond. Judge Carver asked how does CitePay know the defendant has been arrested.

Judge Mohr said the other issue is allowing someone who comes to the court window and wants to post bond to be able to do that on CitePay. Right now, they are told to go to an ATM and get the cash. Some of the other questions are will the jail personnel have access to a computer to get to CitePay. Tina said there may be some jails that feel this is the court's business and decline to do the transaction. Barb added on the original screen where the defendant was to enter the case # and the DOB, originally it was agreed to allow for entry of Citation # or Case #, just like CitePay does now. Judge Carver and Judge Barger agreed that both need to be there.

How does CitePay know the defendant is under arrest? If the person is under arrest, the arresting agency will make sure that CJIN pulls the warrant. Judge Barger said the other issue is how we notify CJIN when bond is posted on CitePay and the Defendant is not in jail, if that is going to be an option. If we allow unapplied receipts and someone can post bond on a warrant without being arrested, how is CJIN going to be notified. Judge Carver said the committee agreed to only deal with persons under arrest first.

Judge Carver said if the defendant has the ability to access unapplied receipt on any transaction, in most instances they will use that. Judge Barger said how does the warrant get pulled if they use this feature. Judge Carver thought defendants should not be able to access unapplied receipt, unless they are incarcerated. Lisa said CitePay must have some trigger to make the warrant available on CitePay. Claudia said unapplied does not need a case in FullCourt. Then again, Judge Carver does not want a defendant to pay a Warrant on CitePay without being arrested. Judge Mohr said he wants to see those defendants.

Claudia mentioned at the JSI conference Ernie brought up the fact most future transactions will be done on a “smart phone”. That is the wave of the future and in fact right now there is an application which allows you to take a picture of a check and deposit it into your account. Having access to a computer will not be a problem then.

Judge Carver said what he has been hearing from the committee is the only time a Defendant can access these two options (unapplied or warrant) is if they are under arrest. That has nothing to do with the case management system, it is the access to those two options and we do not want those options available every time someone opens up CitePay. Judge Mohr said the unapplied would be used when they have been arrested on a citation and it is not in the case management system yet. Lisa commented it sounds like now only the Jail can access these sites and you are doing away with the option for mom to bond out junior, unless she actually comes to the jail. Lisa said the mom is in Nebraska and cannot come to the jail in Montana. Judge Carver said the bottom line is no one wants access to warrant or unapplied receipt unless they have been arrested.

Tina said possibly there could be a CitePay Jail window only the jail could link to. They are interested in getting those defendants out of the jail as quickly as possible. Many jails do not have room for additional prisoners. Lisa said every warrant goes up to the CitePay at this jail window, but this still does not help someone who wants to post the bond but is not at the jail. Lisa said FullCourt must have the trigger to put the warrant on the CitePay jail site. Tina said right now the jail staff fills out a form listing the defendant and the information on who has posted the bond, therefore going to a website should not change that. Lisa agrees, but who is going to have this conversation with the jail staff. Judge Carver and Judge Mohr said it would be the judges instructing them. Judge Carver said defendants bonding out by bail bond, or cash now create the same type of paperwork, but now they have a credit card option.

Judge Barger asked if the jail staff would enter the credit card information into CitePay and will there be a special CitePay location which requires a code first, before the jail can access it. Lisa believes they can talk to Ernie about it being a separate site, but again what is the trigger, is it warrant outstanding. Judge Carver said no it would be served, but Claudia said how does it get marked served when the court does not know it was served. FullCourt needs to have the proper language marked to know it goes up on CitePay, but when the Warrant is served on the weekend and the person arrested, no one has access to FullCourt. Claudia said if the jailers have their own access; it would make sense the CitePay trigger is Warrant outstanding. Lisa said CitePay could update the case management system as Warrant served. Claudia suggested using **e-served**, clarifying how the change was made in FullCourt.

Judge Carver said the only thing we are doing is creating a new option. Lisa will ask Ernie about a separate CitePay-jail. Claudia wants the jail to enter a secret code to access the site. If he agrees to do that, then any outstanding warrant goes up to CitePay. So if anyone is arrested and the jail agrees to use the credit card and go on to CitePay, then CitePay will change the status in FullCourt to e-served. Judge Carver believed the field requiring what agency served could be generic in this case. Lisa said the agency could be

e-service. Judge Carver said the court will receive a return of service on the Warrant. The language on the site regarding appearance should be 10 days.

Judge Mohr recommended language stating you understand bond stays with the case until a final disposition. Claudia said language regarding allowing bond to be used would be: Upon final disposition of the defendant's case, I authorize the use of this bond to be applied to the defendant's fines, fees or restitution. Two boxes here, mark either Yes or No. Thelma said the person posting the bond gets the receipt, but later on down the road comes back and wants the bond back, what will the court have as proof regarding what they checked. Sharon said this authorization does show up in the bond window comment field. Tina said if that action made an ROA, then there is an ROA which shows what exactly was checked regarding using the bond posted. Lisa said if the bond poster marks Yes to use bond for fines, fees and restitution, the comment field automatically populates. If she does not mark Yes, then there is nothing in that comment field on the bond window in FullCourt. Judge Barger said the information on the 3<sup>rd</sup> party poster is entered into the bond window also.

Sharon said in Yellowstone County if the defendant posts his own bond and wants it back after sentencing; her judges only do that upon Motion from the defendant and an Order from the Judge. Judge Mohr said they came up with a system which works in their jurisdiction. Lisa does not understand why the comment box does not work. Tina said the comment field can be typed in by anyone and as a court administrator she wants to know the box was checked at the time the poster filled out the information on CitePay. Lisa has this on her list to ask Ernie, if the window is checked Yes by the bond poster, the ROA would populate e-bond, allow bond conversion. Thelma wanted to know if an ROA is created right now when the comment field populates with allow bond conversion. Thelma said if it does then the clerk has their proof that it came from e-bond.

#### Electronic Reporting:

They are still working on electronic reporting from Billings Municipal with their municipal infractions and the Dept. of Justice has come up with a solution on their end, but they still need to do some coding. No new courts have been added to electronic reporting, due to their short staffing issues.

Judge Carver reported that Greg Noose has a time limit when convictions need to be on the driver's record. Greg Noose has not discussed this with Lisa. Greg Noose intends to write some legislation on this issue. Lisa spent 20 hours last week working with the Montana Integrated Justice Information sharing group which is community interest, justice, DPHHS, courts, DOT, and Fish, Wildlife & Parks. This group wants to come up with a strategic plan for sharing information. Lisa told them the top priorities have got to be finishing the projects which they have already started before we start new projects. It is at the top of Lisa's list to finish motor vehicle reporting.

#### Revisit Priorities:

Lisa listed out the top priorities with the top 3 noted.  
Central Repository issues – work in progress

This includes the motor vehicle reporting.

24-7 program – completed

Fish, Wildlife & Parks import – Fish, Wildlife & Parks department is not ready yet

No insurance/Vehicle Registration suspension documents – completed

Roadside payments – work in progress

E-learning tools – work in progress

ROA & events standardization project – future

CitePay bond at jail – work in progress

Enterprise – future

Regarding deferrals, Lisa said there have been discussions on how regular driver deferrals do not need to be reported to the DMV, but deferrals on commercial drivers does need to be reported. The law was changed. Judge Carver does not agree with this as the court should treat deferrals all the same. In other words when a defendant gets a deferred sentence, it is sent in to the DMV, when the deferred date is up, we send the dismissal to the DMV. Judge Carver said from the court, a deferred is a conviction and a sentence and is in place until it is removed. The DMV can address this on their end.

Lisa went on to say the top 3 priorities were: Repository issues, roadside payments and 24-7. Repository issues and Roadside payments are in the process. 24-7 is completed.

Judge Carver inquired about overdue processing. Lisa said it was put on hold due to the anticipated move to Enterprise, which is not an immediate project at this time. Judge Carver asked about imaging and Claudia replied imaging is taking place at this time. Lisa says whether they have a scanner or not is a different issue, but all the courts have the capability to image.

Lisa said they also have drive-by requests, such as municipal infractions. They are not a priority project and not part of the Strategic Plan. Judge Carver suggested at the next meeting we discuss MI and develop a policy. His suggestion is when a court requests changing to municipal infractions, we have a letter drafted stating Step 1, meet with Greg Noose and get your statute table in order. Step 2 and so on, what the committee decides. Claudia said the first thing is to provide the governance rules. Lisa said there is a standard for the way municipal infractions and state statutes will be reported and this will not be changed. If this changed, there is an impact to DOJ. Judge Carver said it is not up to us to decide what is reported and what is not. Lisa agreed that is an issue for Greg Noose.

Judge Mohr said under MI, the proof of burden is less and it is done on a Small Claims procedure. This is a simpler manner to handle speeding, or less serious offenses and lightens the load for the prosecutor. You can issue a Warrant, but you cannot suspend a DL. The committee would like to create a template to follow when a court calls the IT Department about municipal infractions.

Lisa said motor vehicle reporting will remain a top priority, along with roadside payments. Claudia said overdue is a tough project and Lisa said they are without a

developer right now. Judge Carver said the secret to overdue processing is to run it on a regular basis. Judge Carver agreed with Lisa we should finish some other projects before opening up a new one. Regarding the ROA and events project, Lisa said the events need to be worked on. Lisa said the legislature is going to keep her busy and she would not have time to work on this right now. Judge Carver said at the next meeting; hand out the listing of ROA codes that were worked on. Lisa said there will be mapping involved and her developer Greg is very good. She will talk to him and get his opinion on a strategy.

Judge Carver said at the next meeting will be a discussion of a template for municipal infractions, ROA codes, and bond at the jail on CitePay.

Lisa brought up the question regarding probable cause statements from the Highway Patrol. Judge Carver said it is a statutory requirement. Some judges are looking for a book to be written on the citation and there is no room. The judge must examine the citation and determine if there is probable cause, it is the law. Judge Mohr said probable cause on a citation for speeding would be 70MPH in a 45MPH zone, or on disorderly conduct, using profane language. There are several situations under disorderly conduct, but the citation needs to be brief. Judge Barger said it may be a training issue for the judge who wants more information on the tickets. The incident report should not be admitted to the Court by the Rules of Evidence. There is a probable cause statement which is an Affidavit. Judge Mohr said incident reports would be submitted in discovery.

The other e-mail Lisa received was from Sgt. Cal Schock, out of Miles City, sent to Tom Butler a copy of statute 44-1-1102, procedure when patrol officer accepts bail or DL in lieu of bail. 44-1-1103, Check in lieu of cash. Major Butler replied there should be some revising of these codes in the next session. Judge Carver does not take DL in lieu of bond. He said it is \$25.00 to the court to get the DL back, but if you go down to the licensing bureau, it is \$5.00 to get a duplicate. The Highway patrol wondered if there should be some input from the Automation committee. Judge Mohr said they should be updated to the acceptance of credit cards. Lisa said she can ask the HP what specific language they want changed. Judge Carver said when the officer takes the credit card payment; he is just assisting the defendant in making that transaction, because the actual payment goes directly to the court.

Judge Barger had a question from one of her highway patrol officers, in that using Montana Interactive and a credit card transaction, another party in the vehicle used his credit card and the receipt would not print out the other party information. Judge Carver suggested he talk to Sgt. Tenney and ask him those questions. Claudia did not think Roadside Payments were ever meant for the 3<sup>rd</sup> party paying, but for defendant only.

#### **NEXT MEETING DATE:**

Lisa may not be available in December for a meeting because of the legislative work that will be taking place at that time. She was put on notice they meet with the committee members on the legislature dealing with their issues in December.

**December 19<sup>th</sup>, 2012 at 9:00 A.M.**